

COMMONWEALTH OF MASSACHUSETTS
BEFORE THE
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

The Berkshire Gas Company)

D.T.E. 01-56)

Comments of the Associated Industries Of Massachusetts

Associated Industries of Massachusetts (A.I.M.), a limited intervener in the above referred proceeding, submits the following comments in this case. A.I.M. is the largest employers' association in Massachusetts with over 6,000 members. A.I.M. members include large and small employers from the industrial, commercial, and services sectors, including members impacted by this proposed rate case filing.

On October 9, 2001, A.I.M. filed with the Department of Telecommunication and Energy (D.T.E.) a letter in support of the Massachusetts Attorney General's Motion to Dismiss the Petition of Berkshire Gas Company (Company). As referenced in that letter, A.I.M. reasserts that this case is exactly the type of proceeding that the D.T.E. requires a Performance Based Rate plan with Service Quality Measures. The letter from the Company, as a response to the information request from the Division of Energy Resources (1-4), does not apply the guidelines established in D.T.E. 99-84 and is therefore not responsive to the guidelines.

A.I.M. feels strongly that durable service quality standards are an essential element of the transformation of the utility industry in order to ensure reliability, customer service, safety and rate stability for customers in the future. The guidelines adopted by the D.T.E. provide a baseline for all utilities. The failure to follow the guidelines in this filing prevents any meaningful or substantive form of review by the D.T.E. or other parties in this proceeding.

Additionally, A.I.M. continues to be concerned about a fair and equitable rate structure. Based on what the Company has filed, we continue to be concerned that the proposed market based allocation unfairly impacts commercial and industrial customers and creates a plan that may allow for improper cross subsidies between customer classes.

A.I.M. believes that approval of any part of this filing in its present form sends the wrong message to all public utilities in the Commonwealth and all of their customers. For this reason, we recommend that the D.T.E. suspend this rate case until such time that the Company returns with the information as outlined in the D.T.E.'s guidelines.

Respectfully submitted,

Robert Ruddock,
General Counsel

Cc: John Geary, Esq., Hearing Officer

D.T.E. Service List